



0500868

Federal Communications Commission
Washington, D.C. 20554

May 9, 2005

The Honorable Dennis Moore
U.S. House of Representatives
1727 Longworth House Office Building
Washington, D.C. 20515

DOCKET FILE COPY ORIGINAL

Dear Congressman Moore:

Thank you for your letter, dated January 19, 2005, on behalf of Scott Freeman, a constituent from Leawood, Kansas. Mr. Freeman, a frequent air traveler, is concerned with recent proposals made by the Commission regarding the use of wireless telephones in airborne aircraft. In particular, he states that "[c]ell phones are noisy," and he notes that on an airplane, because space is tight, a person would "be trapped." You ask that we respond to the issues raised in Mr. Freeman's letter.

On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking (Notice)* in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes. In 1991, the Commission adopted the current ban on the airborne use of cell phones out of concern that such use would interfere with terrestrial cellular networks. On the other hand, the Federal Aviation Administration (FAA) regulates the use of cellular telephones, as well as other transmitting portable electronic devices (T-PEDs), on airplanes, out of concern that such devices might interfere with aircraft communications and navigation systems.

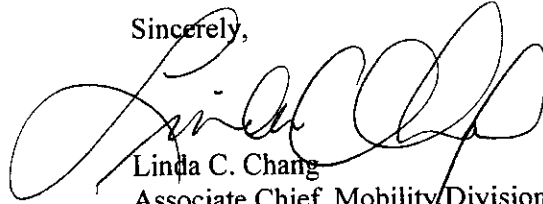
Since 1991, advances in technology appear to address the Commission's initial concerns of interference that warranted adoption of the ban. Consequently, the Commission believes that it may now be possible for the traveling public to use their cell phones while airborne without increasing the risk of interference to cellular systems on the ground. Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell" installed onboard private or commercial aircraft that directs the handsets to operate at or near their lowest applicable power settings. It also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations.

The public is encouraged to submit comments in this proceeding. The filing deadline for comments is May 26, 2005, and for reply comments it is June 27, 2005.

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I appreciate your interest in this matter. Your letter, as well as this response, will be placed in the record of this proceeding. Please do not hesitate to contact me, or Guy Benson, Mobility Division, Wireless Telecommunications Bureau, at 202-418-2946, if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda C. Chang", written over the typed name.

Linda C. Chang
Associate Chief, Mobility Division
Wireless Telecommunications Bureau

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Congress of the United States

House of Representatives

JAN 31 2005
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www.house.gov/moore

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January 19, 2005

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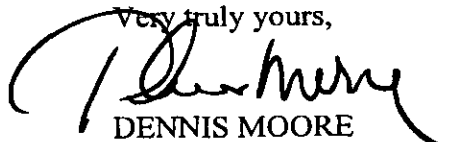
Dear Mr. Powell:

I recently received the enclosed communication from a resident of my congressional district.

I would very much appreciate receiving from your staff a response to the issues raised by my constituent. I will, of course, forward a copy of your response to my constituent.

Thank you very much for your prompt attention to this matter.

Very truly yours,


DENNIS MOORE
Member of Congress

DM:prk
Enc.

P.S. Please sign up for my e-mail newsletter to receive periodic updates on federal legislation at my Web site: <http://www.house.gov/moore>.

From: Write your representative [writerep@www6a.house.gov]
Sent: Thursday, December 30, 2004 4:01 PM
To: KS03WYR
Subject: WriteRep Responses

DATE: December 30, 2004 3:46 PM

NAME: SCOTT

ADDR1: FREEMAN

ADDR2: 3019 WEST 82 TER

ADDR3: LEAWOOD

CITY: KS

STATE: Kansas

ZIP: 66206

PHONE:

EMAIL:

Message:

RE: NO CELL PHONES ON AIRPLANES

Please do not allow the use of cellular phones on airplanes.

Cell phones are noisy. In other places, like in the terminal waiting room, when someone is having a noisy cell phone conversation, you can get away from them. But on the plane, space is tight, so you would be trapped.

I travel a lot for business - about 25% of the work year. Please keep the ban on cell phone use in airplanes.

Regards,
Scott Freeman